

Message Text

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TO ALL DIPLOMATIC POSTS

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C O N F I D E N T I A L STATE 072297

FOLLOWING REPEAT GENEVA 2193 SENT SECSTATE INFO USUN NEW YORK
DATED MAR 29.

QUOTE

C O N F I D E N T I A L GENEVA 2193

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJ: CLASSIFIED LOS WEEKLY SUMMARY FOR D/LOS,
ENDING MARCH 26

SUMMARY: WORKING AROUPS OF MAIN COMMITTEES CONTINUED IN
DAILY MEETINGS WITH PROGRAM OF WORK WITH VARYING DEGREES
OF EFFECJUVENESS. IN COMTE II PARTICULARLY, WORK IS
ESSENTIALLY MARKING TIME UNTIL COMPLETION OF DRAFT BY
EVENSEN GROUP WHICH IS EXPECTED PRIOR TO PRESIDENT'S
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REVIEW DATE OF APRIL 4. COMTE I WORKING GROUP CONTINUED

DISCUSSION OF BASIC CONDITIONS OF EXPLOITATION WHICH HAS USEFULLY TENDED TO FOCUS DISCUSSION ON JOINT VENTURES RATHER THAN ALTERNATIVE SYSTEMS OF DIRECT EXPLOITATION OR SERVICE CONTRACTS. BOTH COMTE I AND COMTE III HAVE CREATED SMALL DRAFTING GROUPS. THERE HAVE BEEN RECURRENT RIPPLES OF PROTEST ABOUT "EXCLUSIVENESS" OF EVENSEN GROUP. REGIONAL GROUPS HAVE OR EXPECT TO NAME CONTACTS FOR MAIN COMMITTEE SUBJECTS TO WORK WITH GROUP OF 77. UNCLEAR WHETHER CONTACTS WILL ALSO DEAL WITH MAIN COMMITTEE SUBJECTS OUTSIDE CONTEXT OF GROUP OF 77. END SUMMARY.

1. COMTE I: A. MOOD AMONG COMTE I LEADERSHIP HAS BEEN OPTIMISTIC, WITH GROUP OF 77 SHOWING WILLINGNESS TO PUT ASIDE PHILOSOPHICAL DEBATE ON EXPLOITATION SYSTEM AND DISCUSS COMPROMISE ON SOME PRACTICAL ASPECTS OF CONDITIONS OF EXPLOITATION. MANY AFRICAN DELS APPEAR ANXIOUS TO GET BASIC COMTE I ISSUES AGREED THIS SESSION, LOOKING TOWARDS WRAP-UP CARACAS SESSION EARLY 1976. DEVELOPING COUNTRY DELS HAVE ALREADY DEMONSTRATED CONSIDERABLE FLEXIBILITY ON CONDITIONS ISSUES, WHILE US HAS TAKEN MODERATE STANCE IN PUBLIC AND AND PRIVATE DISCUSSIONS WHICH MANY DELS HAVE CHARACTERIZED AS VERY CONSTRUCTIVE. UNTIL INTRODUCTION OF USSR DRAFT OF DETAILED RULES AND REGULATIONS WED., SOV DEL DID NOT PARTICIPATE IN WORKING GROUP (WG) DEBATE OR PRIVATE CONSULTATIONS. BELIEVE RAPID RATE OF COMPROMISE IN PRIVATE DISCUSSIONS MAY HAVE GENERATED APPREHENSION THAT LED GROUP OF 77 LEADERSHIP TO STAGE SLIGHT DISRUPTION IN SESSIONS ON TUES. AND WED., ALTHOUGH NET EFFECT IS NOT JUDGED SERIOUS.

B. WG HAS TACKLED KEY ISSUES IN BASIC CONDITIONS WITH MARKED SERIOUSNESS, WHILE PRIVATE CONSULTATIONS UNDER WG CHAIRMAN HAVE LED TO FRANK DISCUSSION OF MAJOR DISPUTES ON HOW EXPLOITATION SYSTEM WILL OPERATE. NO COMMITMENTS HAVE BEEN MADE, BUT INCLUSION OF BASIC CONDITIONS IN TREATY COUPLED WITH DETAILED PROVISIONAL REGULATIONS APPEARS IN BALLPARK.

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C. POSSIBLE AGREEMENT IS IN SIGHT ON JOINT VENTURES AS PRINCIPAL MEANS OF DOING BUSINESS, ALTHOUGH GROUP OF 77 HAS EFFECTIVELY MAINTAINED ITS POSITION THAT DIRECT EXPLOITATION AND SERVICE CONTRACTS WILL HAVE TO BE CONTENTED WITH AT LATER STAGE IN NEGOTIATIONS. EFFORT TO REINFORCE DEVELOPING COUNTRY SOLIDARITY ON LATTER MAY HAVE INSPIRED MARCH 26 ON RECORD GROUP OF 77 REP MAND DIRECTED TO US FOR PRESS REPORTS OF

DRAFT OCEAN MINING LTGISLATION WITHIN EXECUTIVE BRANCH. HOWEVER, EXCHANGE ON THAT DATE WAS MILD IN COMPARISON TO PAST DEBATE ON SAME POINT.

2. COMMITTEE II: A. SPAIN REPEATEDLY SOUGHT TO PREJUDICE MAIN TRENDS FORMULATION WITH REFERENCES TO STRAITS AS INTEGRAL PART OF TERRITORIAL SEA. SUPPORT FOR SPANISH POSIHION CAME ONLY FROM HARD-LINE EXTREMISTS PRC, MOROCCO, YEMEN, AND OMAN. ARAB GROUP APPEARS TO BE SERIOUSLY SPLIT OVER STRAITS ISSUE AT THIS TIME.

B. DISCUSSIONS BOTH IN INFORMAL COMMITTEE AND WIRK-ING GROUPS CLEARLY ILLUSTRATE ISOLATION OF PHILIPPINES ON HISTORIC WATERS QUESTION. INDONESIA MADE SOME OF THE HARSHEST ATTACKS ON PHILIPPINE POSITION.

C. TERRITORIAL SEA DISCUSSION PASSED WITHOUT CONSPICUOUS POLEMICS AND AMID GENERAL RECOGNITION THAT POLITICAL ACCOMMODATION (1) MUST COME FROM PRIVATE DISCUSSION, (2) WAS INTERRELATED WITH ECONOMIC ZONE, STRAITS, AND ARCHIPELAGO ISSUES, AND (3) WAS NECESSARY PREVONDITION FOR COMMITTEE TO CONSOLIDATE TESTS.

D. ON STRAITS, UAE SUPPORTED BY OTHER ARAB STATES, ARGUED THAT CONFERENCE SHOULD DEAL ONLY WITH STRAITS CONNECTING HIGH SEAS TO HIGH SEAS, WHILE INDONESIA ARGUED THAT STRAITS BORDERED BY A SINGLE STATE WERE NOT INTERNATIONAL AND HENCE SHOULD NOT BE COVERED. ITALY, SUGGESTED AMENDMENT OF ISLAND-FORMED STRAITS EXCEPTION BY REPLACING QUOTE EQUALLY SUTABLE HIGH SEA ROUTE UNQUOTE WITH QUOTE HIGH SEAS ROUTE OF SIMILAR CONVENIENCE UNQUOTE. UK AND FIJI ARE JOINTLY
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CHAIRING A SMALL (13 STATE) PRIVATE NEGOTIATING GROUP ON STRAITS ISSUE WITH AIM OF SECURING LDC SUPPORT FOR UK APPROACH AS GENERAL COMPROMISE FORMULATION. FIJI, NO DOUBT FEELING HEAVY PRESSURE ON ARCHIPELAGO ISSUE, IS BEING HELPFUL IN THIS GROUP, PARTICULARLY ON SUPPORT OF PRINCIPLE OF EQUULA TREATMENT FOR ALL VESSELS. MEMBERS OF GROUP ALSO INCLUDE ARGENTINA, BAHRAIN, DENMARK, ETHIOPIA, ICELAND, ITALY, KENYA, LEBANON, NIGERIA, SINGAPORE, UAE, AND VENEZUELA. GROUP MAY LATER INCLUDE BULGARIA, INDIA, JAMAICA, MEXICO, SENEGAL AND SIERRA LEONE. GROUP HAS SCHEDULED TWO MEETINGS FOR NEXT WEEK.

E. IN EVENSEN GROUP, CONSIDERATION CONTINUED ON PROVISIONS DEALING WITH LIVING RESOURCES. DISCUS-

SIONS WILL THEN FOCUS ON ACCESS TO RESOURCES ON REGIONAL BASIS AND LANDLOCKED STATES ARTICLES. GENERAL PROVISIONS ON ECONOMIC ZONE (FIFTH REVISION) WERE ISSUED. PROGRESS IS SLOW AS WOULD BE EXPECTED DUE TO IMPORTANCE OF ISSUES.

F. IN COMMITTEE II INFORMAL MEETING PERU STATED THAT PROBLEMS OF HARMONIZING RIGHTS IN ECONOMIC ZONE WERE BEING ADDRESSED IN PRIVATE CONSULTATIONS AND THAT A DELICATE BALANCE HAD BEEN STRUCK. WE TAKE THIS AS ENDORSEMENT OF EVENSEN NEGOTIATIONS WHERE QUESTION OF RESIDUAL RIGHTS IS BEING NEGOTIATED INTENSIVELY. JAMAICA AND BARBADOS STATED THEY COULD SUPPORT CONCEPT OF 200-MILE TERRITORIAL SEA SO LONG AS THEY WERE GRANTED EQUAL RIGHTS TO EXPLOITATION OF RESOURCES WITHIN THE TERRITORIAL SEA. MAIN INTEREST OF BOTH STATES APPEARS TO BE ACCESS TO BRAZILIAN SHRIMP. REPORTS ARE THAT SOME CARIBBEAN STATES AND QUOTE GEOGRAPHICALLY DISADVANTAGED STATES UNQUOTE ARE UNHAPPY WITH EVENSEN NEGOTIATIONS WHERE THEY HAVE PRIVATELY SAID THEIR INTERESTS WERE NOT ADEQUATELY REPRESENTED.

G. RE CONTINENTAL MARGIN: WALLER (AUSTRALIA) REAFFIRMED THAT ONE OF AUSTRALIA'S MAIN OBJECTIVES WAS TO OBTAIN COASTAL STATE JURISDICTION OVER MIN-
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ERAL RESOURCES IN THE CONTINENTAL MARGIN BEYOND 200-MILE ECONOMIC ZONE. AUSTRALIA, HE SAID, IS EVEN MORE OPPOSED THAN BEFORE TO THE SHARING OF REVENUES FROM ANY PART OF THE CONTINENTAL MARGIN. ARCHER (UK) CONFIRMED THAT THE UK WOULD SHARE REVENUES FROM CONTINENTAL MARGIN AT SO LOW RATE IN EXCHANGE FOR OBTAINING CLEAR JURISDICTION OVER CONTINENTAL MARGIN WHERE IT EXTENDS BEYOND THE ECONOMIC ZONE.

3. COMTE III: A. POLLUTION WG CHARMAN VALLARTA HAS CREATED CONFIDENTIAL SMALL NEGOTIATING AND DRAFTING GROUP COMPOSED THUS FAR OF US, EGYPT, POLAND, USSR, CANADA, UK, BELGIUM. AUSTRALIA, INDIA, JAPAN, SINGAPORE, MEXICO, KENYA, AND GHANA TO CONSIDER ISSUES BEFORE WG AND WORK OUT COMPROMISES. US PROPOSAL ON ENVIRONMENTAL IMPACT ANALYSIS WAS DEFERRED FOR SEVERAL DAYS AT REQUEST OF USSR.

B. NEW EVENSEN GROUP POLLUTION TEXT PRESENTS SEVERAL MAJOR PROBLEMS, PARTICULARLY WITH RESPECT TO CHARACTERIZATION OF ALTERNATIVES ON COASTAL STATE

VESSEL POLLUTION JURISDICTION BEYOND TEDITORIAL SEA
AND DOUBLE STANDARD ISSUE. EVENSEN GROUP WILL NOT
CONSIDER POLLUTION FOR AT LEAST ANOTHER WEEK, AND IT
MAY BE POSSIBLE TO HAVE EVENSEN IMPROVE TEXTS. GROUP
OF 17 MEETING EVENING MARCH 26 WAS DEVOTED TO DIS-
CUSSION OF TEXT, WITH US, USSR, UK AND OTHERS IN-
DICATING DISPLEASURE WITH NORWEGIAN DRAFT. ISSUE OF
RESTRICTIONS ON PORT STATE ENFORCEMENT SQUARELY POSED
BY GROUP OF 17 DRAFT. ALTHOUGH DOBULE STANDARD ISSUE
HAS HEALED UP SOMEWHAT CANADA HAS HAD LITTLE PERCEPT-
ABLE SUCCESS IN APPARENT EFFORT TO GAIN LDC SUPPORT
FOR VESSEL ISSUES, GOING SO FAR AS TO CRITICIZE
GROUP OF 17 TEXT FOR FAILURE TO INCLUDE LAND-BASED
DOUBLE STANDARD. DALE UNQUOTE KISSINGER

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